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Supreme Court, U.S.
FILED
APR 2 5 2005
OFFICE OF THE CLERK

No. 04-1014

In the

Supreme Court of the United States

Oleksiy Leonichev & Viktoriya Leonicheva,
– *Petitioners*

v.

Valley Presbyterian Hospital	–	*Respondent*
Sherri R. Carter, Clerk of US District Court, Central District of California	–	*Respondent*
Ronald S.W. Lew, US District Court Judge, Central District of California	–	*Respondent*
Cathy A. Catterson, Clerk Court of Appeal for Ninth Circuit	–	*Respondent*

On Petition For Writ of Mandamus
To The US District Court Central District of California
To The US Court of Appeals For the Ninth Circuit

PETITION FOR REHEARING

Oleksiy Leonichev &Viktoriya Leonicheva –
Plaintiffs – Petitioners (Pro Se)
5260 Corteen Place #3,Valley Village, CA 91697,
Phone/Fax: (818) 760-0882

PARTIES

Oleksiy Leonichev & Viktoriya Leonicheva	–	Plaintiffs - Petitioners (Pro Se)
Valley Presbyterian Hospital, (15107 Vanowen St, Van Nuys CA 91405)	–	Defendant - Respondent
Kent A. Halkett	–	Counsel for Valley Presbyterian Hospital, Defendant in Case CV04-7066
Sherri R. Carter, Clerk of US District Court, Central District of California	–	Respondent
Ronald S.W. Lew, US District Court Judge, Central District of California	–	Respondent
Cathy A. Catterson, Clerk Court of Appeal for Ninth Circuit	–	Respondent

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1. GROUND FOR THE PETITION OF REHEARING.

1.1 By undersigned Petition (*however without any hope for success*), Petitioners **second time** pray before the Supreme Court to secure provision Clause 2 Article VI of US Constitution: "**Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding**... ...**all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution**"

1.2 04/04/05 Supreme Court however **without any issued Opinion** has denied our "Petition For Writ of Mandamus" to reinstate actions of Rule 55(a) FRCP. Why? Was it in controversy? Not. Respondents never even argued fact that Defendant failed to plead within time allowed by Rule 12(a)(1)(A) FRCP. Respondents even **did not answer** for our Petition, what means they **did not deny (so agreed!)** that **willfully violated**: *Rules 12(a)(1)(A), 44(a)(1), 11(a), 11(b), 79(a), 55(a) FRCP; Rules 36(a) & 41(a) FRAP; Section 1, Article IV US Constitution & Act of First US Congress promulgated on the Second session (05/26/1790), Rule 902(10) & 901(a) Federal Rules of Evidence; District Court Local Rules 58-4 & 58-10; Canons 3(A)(2), 2(A,), 3(B)(3) Code of Conduct for US Judges; Section 951 & 954 Title 28 US Code;* **Sections 2071, 1506, 1623(a), 1018 Title 18 US Code**.

1.3 So, **04/04/05** is the day, when **US Constitution** and all listed above **US Laws were defeated** in the US Supreme Court. **Notice it in the your Calendar**. Moreover, Office of Clerk of Supreme Court has concealed two Petitioners' motions and this action is exactly matches definition of felony under Sec. 2071(a) Title 18 USC[1].

[1] Sec. 2071(a) Title 18 USC: "Whoever willfully and **unlawfully** conceals, **removes**, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and **carries away any record**, proceeding, map, book, paper, **document, or other thing, filed or deposited with any clerk or officer of any court**..."

02/22/05 and 02/23/05 Petitioners have sent to the Office of the Clerk two Motions: "Motion to compel Valley Presbyterian Hospital **clarify controversy and contradictions in the Corporate Disclosure Statement**" and "*Motion to strike unsigned order to dismiss Complaint of Judicial Misconduct #04-89118*". FedEx records 849746054806 and 849746054817 indicate, that both Motions were delivered to the office of Clerk of the Supreme Court respectively at 09:57 on 02/23/05 (receipt signed for by C. EVANS) and at 09:35 on 02/24/05 (receipt signed for by R. DIZON). Both Motions were moved for purposes to eliminate **falsifications of facts**, which Respondents already successfully committed in the District Court and Court of Appeals for Ninth Circuit. Both motions were **neither filed nor denied**, but **removed from Court**.

1.4 Whose benefits was Protected from the Default, which occurred 09/15/04 in Case CV04-7066RSWL? Who was protected now by Supreme Court and even exempted from clarification of controversy in the Corporate Disclosure Statement? It is hard to believe, but behind all of this – **illegally created Corporation** with **unregistered illegal Charitable Fund**, yes, **unregistered illegal Charitable Fund**, which is clear matches all Criteria of "**United Nations Convention Against Corruption**" and "**2002 National Money Laundering Strategy**" (*US Department of Treasury & US Department of Justice*) to be suspected in the **MONEY LAUNDERING** and support of **TERRORIST ACTIVITY!**

1.5 Internet Hyperlink "**Charitable Giving**" http://www.valleypres.org/body.cfm?id=57 on the main Web Page of the **Valley Presbyterian Hospital** shows: "**Valley Presbyterian Hospital Foundation** *15107 Vanowen Street Van Nuys, CA 91405 Main Office: (818) 902-2980 Fax: (818) 904-3756.* **If you have questions, please feel free to contact our Foundation staff: Karen Essa, Grants/Events Manager** karen.essa@valleypres.org

(818)902-5134". Hyperlink "Golf Classic" informs about Valley Presbyterian Hospital's **annual charity** golf tournament **Monday, May 2, 2005** 10:00 am. However, result of search http://kepler.ss.ca.gov/corpdata/ShowList (California Business Portal, by the California Secretary of State Kevin Shelley), shows, that **Valley Presbyterian Hospital Foundation does not exist any more:**

Corp. Number	Date Filed	Status	Corporation Name	Agent for Service of Process
C0586535	12/2/1969	suspended	Valley Presbyterian Hospital Foundation	
C1064513	1/20/1982	dissolved	Valley Presbyterian Hospital Foundation	David W. Fleming, Esq.

1.6 It is so sad to say, but Supreme Court has protected unregistered illegal Charitable Fund at the time, when in opinion [2&3] of the US Congress, US Department of Treasury & US Department of Justice – even legitimate **charitable activities can be tied to the TERRORISM** [2&3]

[2] 2002 National Money Laundering Strategy (US Department of Treasury & US Department of Justice), page 15: "Individual **financial transactions tied to terrorist operations** are **often camouflaged as** legitimate business, social, or **charitable activities**. As a result, it becomes difficult to follow terrorist money trails."

[3] **Congressional Testimony** of Dennis Lormel, Chief, Terrorist Financing Operations Section, Counterterrorism Division, FBI, before the Senate Judiciary Committee, Subcommittee on Technology, Terrorism, and Government Information, 10/09/02: "One of the **challenges in investigations** involving **terrorist fundraising** through NGOs is distinguishing **terrorist fundraising activities** from legitimate or what **may appear to be legitimate charitable fundraising**. Fundraising on the part of terrorist groups which on the surface appear to be efforts to "help the poor" or **fundraising for charitable**, humanitarian or other legitimate purposes actually falls squarely in the realm of logistical **support for terrorist activity**.

1.7 Valley Presbyterian Hospital (Defendant) "**Certificates** of Interested party". (Cases CV04-7066RSWL, CV04-10373 SJO & CV05-00725) **not contain** any "...**list all persons**, **associations of persons**, **firms**, **partnerships** and **corporations** (including **parent corporations**)..." as required provision Local Rule 7.1-1, and **it is understandable that Valley Presbyterian Hospital** as Corporation "**has no members**" under provision section 5310(a) **California Corporation Code**: "In absence of any provision in its articles or bylaws, **providing for members**, a corporation shall have **no members**." However, **if so**, the Valley Presbyterian Hospital **has no right to be a Hospital**, also has **neither legitimate Board of Directors**, nor **legitimate CEO** & **legitimate Chairman?** According to provisions of the Nonprofit Corporation Law, provided by section 10810 Article 1 "Nonprofit Corporations for Medical Services" Part 11 "Nonprofit Medical, Hospital, or Legal Services Corporation" Division 2 California Corporation Code: "A nonprofit corporation may be formed... ...but **it may not engage directly or indirectly in the performance of the corporate purposes** or objects **unless all of the following requirements are met:** (a) **At least one-fourth of all licentiates of the particular profession residing in California become members**. (b) **Membership in the corporation** and an opportunity to render professional services upon a uniform basis are **available to all licensed members of the particular profession**. (d) A certificate is issued to the corporation by the particular professional board whose licentiates have become members..." So, at least one of following statements should be truth: 1) Valley Presbyterian Hospital as Corporation **has members** and **Mr. Kent A Halkett** certified false "**Certificate** of Interested party" or 2) **Mr. Kent A Halkett** certified "**Certificate** of Interested party" **on behalf of illegitimate Corporation** and **did not include** at least 2 (two)

Interested Parties: **illegal Fund** "Valley Presbyterian Hospital Foundation" and Foundation's Agent Service **Mr. Fleming**, who is also CEO of the Valley Presbyterian Hospital.

1.8 So, "Valley Presbyterian Hospital" & "Valley Presbyterian Hospital Foundation" **meets criteria**[4&5] **to be suspected in Corruption and Money Laundering**: *false identification of legal persons involved in the establishment and management of corporate entities; establishment of off-the-books accounts entry of liabilities with incorrect identification of their objects, use of false documents.*

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[4] **Article 12 United Nations Convention Against Corruption** (*Adopted by the UN General Assembly, 10/31/03, New York. On behalf of USA signed 12/09/03 by Attorney General John Ashcroft*)
(1) Each State Party shall take measures... ...to **prevent corruption involving the private sector**... **(2)** Measures to achieve these ends may include, inter alia: (c) Promoting **transparency among private entities**, including, where appropriate, measures regarding the **identity of legal and natural persons involved in the establishment and management of corporate entities**... **(3) In order to prevent corruption**, each State Party shall... ...to **prohibit the following** acts carried out for the purpose of committing any of the offences established in accordance with this Convention: (a) The **establishment of off-the-books accounts**; (b) The making of **off-the-books or inadequately identified transactions**; (c) The **recording of non-existent expenditure**; (d) The **entry of liabilities with incorrect identification of their objects**; (e) The **use of false documents**...

[5] 2002 National Money Laundering Strategy (*US Department of Treasury & US Department of Justice*), page 23 OBJECTIVE 2, Priority 4: "Investigate the use of non-governmental organizations to raise, collect, and distribute funds to terrorist groups... ...The **use of non-governmental organizations** (NGOs), **including charities**, **to raise funds** in support of terrorist groups **is an area that demands further attention from the U.S. Government**. Investigation and analysis by the law enforcement and intelligence communities has yielded information indicating that **terrorist organizations utilize charities** and NGOs **to facilitate funding and to funnel money**. **Charitable donations to NGOs** are commingled and then **often diverted or siphoned to groups or organizations that support terrorism**. **Fundraising may involve community solicitation in the United States**...

2. PETITIONERS' PRAY.

2.1 Petitioners congratulate "**successful winners**" – **Valley Presbyterian Hospital**, **illegal Fund** "**Valley Presbyterian Hospital Foundation**" and attorney Mr. Kent A Halkett, who **despite Rules** 55(a) & 12(a)(1)(A) FRCP and without confirmation of his representative capacity able to file Motion to Dismiss on the **21st day** after service of the Summons & Complaint and five hours after Plaintiffs' Request for Default. Petitioners congratulate Judge Ronald S.W. Lew, who is able to **dismiss action without signing the Order** and during the time **when he was already Defendant** in the related Case. Petitioners also congratulate deputy Clerk Madelina Guerrero, who instead of Judge Ronald S.W. Lew dismissed Case CV04-7066, by entering unsigned Order. Special Congratulation for Mr. Kent A Halkett and Judge Ronald S.W. Lew, who with prestigious University education and after huge Law experience still unable to understand following: "*Viktoriya Leonicheva... ...has been fired on April 16, 2004 in Respond for Preliminary Report of 03/17/04, which states, that Viktoriya Leonicheva is Qualified Injured Worker with musculoskeletal injury and may not return to her job. ...Viktoriya has been fired on the Fifteenth Day after 04/02/04, when her Employer has received Victim's new Claim Form of 04/02/04 regarding Secondary Consequences of Chemical Exposure. Medical Exams... ...discovered undesired Consequences for Viktoriya's Health after Hazardous Exposure...:* Chronic fatigue immune deficiency, Coagulopathy petechiae on skin, Reactive airway disease, Toxic leukoencephalopathy *(supported by neurological antibodies), Elevated myelin & neurotransmitter antibodies, Prohibition for Pregnancy at this time. Viktoriya's lab test (solvent panel) indicates (by extrapolation) following levels of hazardous chemicals in Viktoriya's body at the time of exposure: Hippuric Acid (toluene metabolite) – 4.8; Phenol (benzene metabolite) –*

88mg/L; Acetone – 4 mg/L."(citations from Plaintiffs' Complaint Case CV04-7066). "**I have read your papers. It's garbled. The complaint is garbled and unclear**" – told Hon. Ronald S.W. Lew to the Plaintiffs.

2.2 There is no any controversy in this case: Default occurred 09/15/04 at 10:34 am and must be entered. Neither District, nor Appeals & Supreme Courts have discretion to decide whether or not Rules 55(a) & 12(a)(1)(A) FRCP should be executed. This is the Law. Court does not have power to create any new Law. According to Section 1 Article I US Constitution: "**All legislative Powers herein granted shall be vested in a Congress**..." Court – is not Congress. According Canon 2(A) **Code of Conduct for United States Judges: "A judge should respect and comply with the law**". Clause 2 Article VI of US Constitution clear states: "**Judges** *in every State shall* **be bound thereby**, **any Thing in the Constitution or Laws** *of any State to the* **Contrary notwithstanding**... *...all executive and* **judicial Officers**, both **of the United States** *and of the several States, shall be* **bound by Oath or Affirmation, to support this Constitution**"

2.3 By undersigned Petition (*however without any hope for success*), Petitioners **second time** pray before the Supreme Court to secure provisions Rules 55(a) & 12(a)(1)(A) FRCP **enter Default against Defendant**.

3. POSTSCRIPTUM.

3.1 04/23/04 Petitioners have received Letter from the office of the Supreme Court Clerk, which states: "*The petition for writ of mandamus was denied without comments, which is the customary procedure of the Court. No opinion was issued in this case. Accordingly, enclosed is a certified copy of the order denying your petition...*"

3.2 Based on the information in the mentioned above Letter, Petitioners have concluded that Supreme Court **without any doubts discarded provisions of US**

Constitution and *Rules 12(a)(1)(A), 44(a)(1), 11(a), 11(b), 79(a), 55(a), FRCP; Rules 36(a) & 41(a) FRAP; Section 1, Article IV US Constitution & Act of First US Congress promulgated on the Second session (05/26/1790), Rule 902(10) & 901(a) Federal Rules of Evidence; District Court Local Rules 58-4 & 58-10; Canons 3(A)(2), 2(A.), 3(B)(3) Code of Conduct for US Judges; Section 951 & 954 Title 28 US Code; Sections 2071, 1506, 1623(a), 1018 Title 18 US Code* – for benefits of "**successful winners**" – **Valley Presbyterian Hospital** and **illegal Fund** "**Valley Presbyterian Hospital Foundation**", who **meets criteria**[4&5] **to be suspected in Corruption and Money Laundering** (*see section 1.8 of this Petition*) and who throws away all employees, who has sufficiently lost health because of them (as well as Viktoriya's health).

3.3 Petitioners reserved right to inform whole World about such "customary procedure" in the Supreme Court.

3.4 Instead of **certified copies** of Court Order **together with Certificate of Judge** (*provision of Act of First US Congress*[3] *Second session 05/26/1790*), Petitioners have received **uncertified copy signed by unnamed Deputy**.

4. DECLARATION

We, undersigned Petitioners Oleksiy Leonichev & Viktoriya Leonicheva declare under penalty of perjury under the Laws of the United States that the facts in undersign Petition are true and correct to the best of our knowledge.

Viktoriya Leonicheva, **Petitioner**

Oleksiy Leonichev, **Petitioner** 04/25/05

Certification under Rule 44 Supreme Court Rules

We, undersigned Petitioners Oleksiy Leonichev & Viktoriya Leonicheva declare under penalty of perjury under the Laws of the United States that Petition for Rehearing restricted to the grounds specified in Rule 44 Supreme Court Rules and it is presented in good faith and not for delay.

We, undersigned Petitioners Oleksiy Leonichev & Viktoriya Leonicheva declare under penalty of perjury under the Laws of the United States that the facts in the Petition for Rehearing are true and correct to the best of our knowledge.

Viktoriya Leonicheva, **Petitioner**

Oleksiy Leonichev, **Petitioner** 04/25/05